

February 11, 2019

In the matter of Request for Review by Presbyterian Healthcare of Decision of Universal Service Administrator

Rural Health Care Program: WC Docket No. 02-60

Applicant: Presbyterian Healthcare

Contact: Rachel Lawmaster, Cost Analyst

Espy Services, Inc.

2213 16th St., Bedford, IN 47421

812-277-1499

rl@espyservices.com

Fund Year: 2017 HCP: 45514 FRN: 17173251

Reason: Waiver/exception of USAC HCF Invoicing Deadline

Pursuant to §54.719(c), Presbyterian Healthcare is seeking a waiver of the Commission's rules directly from the Commission.

On October 2, 2018, Espy Services (on behalf of Presbyterian Healthcare) submitted one Form 462 Substitution for FRN: 17173251. The email confirming receipt of this submission from rhcadmin@usac.org, along with the Form 462, are attached.

As noted in the body of the receipt email, "Once the form has been reviewed, you will receive an email on the status of the funding request and a PDF of the submitted form." On February 5, 2019, Espy Services contacted USAC to find out the status of the abovementioned FRN. Espy Services was told via email to check the USAC MyPortal to view the status of the FRN. Espy Services viewed MyPortal and determined that the new Funding Commitment Letter (FCL) for this FRN was issued on December 12, 2018. No email or PDF of the form was received by Espy Services or Presbyterian Healthcare as indicated on the Form 462 Substitution receipt email.

Espy Services determined that the Form 463 for this new FCL could not be completed because the invoicing deadline for it was December 31, 2018, as noted by the screenshot attached. Espy Services again emailed USAC and was told "USAC does not have the authority to extend the deadline or allow any invoicing exceptions for this situation as the deadline is an FCC regulation and it is not extended due to Site and Service Substitutions. Although a notification was not received, all information related to these specific FRNs was located in MyPortal for applicants to reference and compare to their invoice deadline using the lookup tool on our website. To possibly make a change to your invoicing deadline, the only option moving forward is to file a waiver with the FCC." This email is



also attached. While USAC stated that a notification was not received and all information was located in MyPortal, Espy Services and Presbyterian Healthcare were expecting an email and PDF of any updated FCLs as indicated by USAC themselves. There was no need to follow-up in MyPortal if both parties were waiting for an email to confirm approval of the Substitution Request.

Statement of Relief Sought: Espy Services is formally requesting a waiver/extension of the Fund Year 2017 USAC HCF invoicing deadline to account for the lack of notification of approved Form 462 Substitutions by USAC. Presbyterian Healthcare has \$51,869.12 in funding they will not receive without a waiver/extension due to the lack of notification on behalf of USAC.

Please see attached documentation. Thank you for your time and attention to this matter.

From: Nicole Taylor <Nicole.Taylor@usac.org>
Sent: Wednesday, February 6, 2019 10:17 AM

To: Rachel Lawmaster

Subject: Re: 2017 Site and Service Substitution

Hi Rachel,

I hope all is well.

I just wanted to reiterate the information given regarding filing an FCC Waiver for the invoice deadline.

Please follow the directions on our website to submit the waiver directly to the FCC. As we cannot dictate how the waiver or an appeal should be written, please provide the most accurate information and explanation when submitting to the FCC. You do not have to file a USAC appeal first because the invoice deadline is a direct FCC Regulation.

Warm Regards,

Nicole Taylor

Program Manager of Stakeholder Engagement (800) 453-1546

Nicole.Taylor@usac.org | www.usac.org

From: rhc-assist@usac.org [mailto:rhc-assist@usac.org]

Sent: Wednesday, February 06, 2019 9:46 AM

To: RL@EspyServices.com

Subject: [External Sender] Re: 2017 Site and Service Substitution

Hello Rachel,

Thanks for emailing us back. In this specific case, you are requesting a waiver of an FCC Rule so you would in fact submit that appeal directly to the FCC.

If you have any other questions or concerns, please contact us at rhc-assist@usac.org.

Warm Regards, Tanya

RHC-Assist Support Team
Rural Health Care Program
Universal Service Administrative Company
rhc-assist@usac.org

On 2/6/2019 9:41 AM, Rachel Lawmaster wrote:

Eric stated in an email to me yesterday "Since you are seeking a waiver of an FCC rule, you would submit your appeal directly to the FCC.". We have had appeals denied by the FCC before because we did not file an appeal with USAC first. Should we still file with the FCC directly, or should we file a USAC appeal first?

Government Funding Specialist Espy Services, Inc. 2213 16th Street Bedford, IN 47421 (800) 991-8832 or

(812) 277-1499 ext. 1024 Fax: (812) 675-4447

www.espyservices.com

https://twitter.com/EspyServicesInc

Ask Me How to Save 15%!

From: rhc-assist@usac.org [mailto:rhc-assist@usac.org]

Sent: Tuesday, February 5, 2019 4:02 PM

To: RL@EspyServices.com

Subject: Re: 2017 Site and Service Substitution

Hi Rachel,

Thank you for reaching out to us. You would use the original invoicing deadline.

Please let us know if you have any additional questions by emailing us at RHC-Assist@usac.org.

Warmest Regards, LaQueca RHC-Assist Support Team Rural Health Care Program Universal Service Administrative Company RHC-Assist@usac.org

On 2/5/2019 3:59 PM, Rachel Lawmaster wrote:

I am concerned about this because my colleague had this same situation. She was told to use the date she contacted USAC and realized no emails were sent out. In her case, that was January 24, 2019. She has an email saying this.

Rachel Lawmaster

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Ask Me How to Save 15%!

From: rhc-assist@usac.org [mailto:rhc-assist@usac.org]

Sent: Tuesday, February 5, 2019 3:56 PM

To: RL@EspyServices.com

Subject: Re: 2017 Site and Service Substitution

Hello Rachel,

Thanks for reaching back out to us. The date that you should use would be the original invoicing deadline.

If you have any other questions or concerns, please contact us at rhc-assist@usac.org.

Warm Regards, Tanya

RHC-Assist Support Team
Rural Health Care Program
Universal Service Administrative Company
rhc-assist@usac.org

On 2/5/2019 2:57 PM, Rachel Lawmaster wrote:

Eric,

What date should I use as my start date of the 60-day appeal timeframe? From today's date, when I found out that we were not notified of the Site and Service Substitutions?

Rachel Lawmaster

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Ask Me How to Save 15%!

From: rhc-assist@usac.org [mailto:rhc-assist@usac.org]

Sent: Tuesday, February 5, 2019 2:48 PM

To: RL@EspyServices.com

Subject: Re: 2017 Site and Service Substitution

Hello Rachel,

Since you are seeking a waiver of an FCC rule, you would submit your appeal directly to the FCC.

Warm Regards,

Eric O.
RHC-Assist Support Team
Rural Health Care Program
Universal Service Administrative Company
RHC-Assist@usac.org

On 2/5/2019 2:45 PM, Rachel Lawmaster wrote:

Eric,

Since you stated, "USAC does not have the authority to extend the deadline or allow any invoicing exceptions for this situation as the deadline is an FCC regulation." Do we still file directly through USAC first, before going to the FCC?

Rachel Lawmaster

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Ask Me How to Save 15%!

From: rhc-assist@usac.org [mailto:rhc-assist@usac.org]

Sent: Tuesday, February 5, 2019 2:42 PM

To: RL@EspyServices.com

Subject: Re: 2017 Site and Service Substitution

Hello Rachel,

Additional information on filing an appeal can be found <u>here</u>. At this time, we do not have any further insight as to whether notification emails will be sent for future filings.

Warm Regards,

Eric O
RHC-Assist Support Team
Rural Health Care Program
Universal Service Administrative Company
RHC-Assist@usac.org

On 2/5/2019 2:36 PM, Rachel Lawmaster wrote:

We will be filing an appeal.

Patrick Lynn stated that USAC would let us know when the Site and Service was complete in an email to me directly. By him stating this, why would I assume that we wouldn't get notified. Should I assume we will not be receiving emails for any FCL, 461 approval, 460 approval, etc. in the future?

Thank you!

Rachel Lawmaster

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Ask Me How to Save 15%!

From: rhc-assist@usac.org [mailto:rhc-assist@usac.org]

Sent: Tuesday, February 5, 2019 2:30 PM

To: RL@EspyServices.com

Subject: Re: 2017 Site and Service Substitution

Hello Rachel,

While we certainly understand your frustration, USAC does not have the authority to extend the deadline or allow any invoicing exceptions for this situation as the deadline is an FCC regulation and it is not extended due to Site and Service Substitutions. Although a notification was not received, all information related to these specific FRNs was located in MyPortal for applicants to reference and compare to their invoice deadline using the lookup tool on our website. To possibly make a change to your invoicing deadline, the only option moving forward is to file a waiver with the FCC.

I sincerely apologize for this inconvenience.

Warm Regards,

Eric O.
RHC-Assist Support Team
Rural Health Care Program
Universal Service Administrative Company
RHC-Assist@usac.org

On 2/5/2019 1:34 PM, Rachel Lawmaster wrote:

Please see the list below in my initial email:

1. Artesia General – HCP: 10918; FRN: 17156321

2. Artesia General – HCP: 10918; FRN: 17158491

- 3. Lafayette General HCP: 45517; FRN: 17143371
- 4. Lafayette General HCP: 45517; FRN: 17143731
- 5. Ochsner HCP: 50824; FRN: 17109351
- 6. Presbyterian Healthcare HCP: 45514; FRN: 17173251
- 7. Sutter Health HCP: 50589; FRN: 17111511
- 8. Sutter Health HCP: 50589; FRN: 17114101
- 9. Sutter Health HCP: 50589; FRN: 17114121
- 10. Sutter Health HCP: 50589; FRN: 17114531
- 11. Sutter Health HCP: 50589; FRN: 17114671
- 12. Sutter Health HCP: 50589; FRN: 17115231
- 13. Sutter Health HCP: 50589; FRN: 17115481
- 14. Sutter Health HCP: 50589; FRN: 17116261
- 15. Sutter Health HCP: 50589; FRN: 17117231
- 16. Sutter Health HCP: 50589; FRN: 17117261
- 17. Sutter Health HCP: 50589; FRN: 17117301
- 18. Sutter Health HCP: 50589; FRN: 17117481
- 19. Sutter Health HCP: 50589; FRN: 17117601
- 20. Sutter Health HCP: 50589; FRN: 17117651
- 21. Sutter Health HCP: 50589; FRN: 17118581
- 22. Sutter Health HCP: 50589; FRN: 17119121
- 23. Sutter Health HCP: 50589; FRN: 17126401
- 24. Sutter Health HCP: 50589; FRN: 17174701
- 25. Sutter Health HCP: 50589; FRN: 17265641

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Ask Me How to Save 15%!

From: rhc-assist@usac.org [mailto:rhc-assist@usac.org]

Sent: Tuesday, February 5, 2019 1:31 PM

To: RL@EspyServices.com

Subject: Re: 2017 Site and Service Substitution

Hello Rachel,

Thanks for reaching back out to us. To further assist you please provide the FCL and HCP number that you are referencing.

If you have any other questions or concerns, please contact us at rhc-assist@usac.org.

Warm Regards, Tanya

RHC-Assist Support Team
Rural Health Care Program
Universal Service Administrative Company
rhc-assist@usac.org

On 2/5/2019 1:10 PM, Rachel Lawmaster wrote:

From what I can see, the new FCL was issues on 12/12/18; however, I was never informed of this. I can no longer create a 463 because the invoicing date has passed. How was I to create a 463 when I received no notification that these had been approved?

Rachel Lawmaster

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Ask Me How to Save 15%!

From: rhc-assist@usac.org [mailto:rhc-assist@usac.org]

Sent: Tuesday, February 5, 2019 12:28 PM

To: RL@EspyServices.com

Subject: Re: 2017 Site and Service Substitution

Hello Rachel,

Thanks for emailing us. In your MyPortal please navigate to the HCP number and then your Form 462 tab. There you will see the site and service FRNs listed with the statuses beside them. If you have any other questions or concerns, please contact us at rhc-assist@usac.org.

Warm Regards, Tanya

RHC-Assist Support Team
Rural Health Care Program
Universal Service Administrative Company
rhc-assist@usac.org

On 2/5/2019 12:18 PM, Rachel Lawmaster wrote:

I am checking on the status of 25 Site and Service FRNs that I submitted between September and November 2018. I have not received any decisions on these FRNs, and I wanted to check the status.

- 1. Artesia General HCP: 10918; FRN: 17156321
- 2. Artesia General HCP: 10918; FRN: 17158491
- 3. Lafayette General HCP: 45517; FRN: 17143371
- 4. Lafayette General HCP: 45517; FRN: 17143731
- 5. Ochsner HCP: 50824; FRN: 17109351
- 6. Presbyterian Healthcare HCP: 45514; FRN: 17173251
- 7. Sutter Health HCP: 50589; FRN: 17111511
- Sutter Health HCP: 50589; FRN: 17114101
- 9. Sutter Health HCP: 50589; FRN: 17114121
- 10. Sutter Health HCP: 50589; FRN: 17114531
- 11. Sutter Health HCP: 50589; FRN: 17114671
- 12. Sutter Health HCP: 50589; FRN: 17115231
- 13. Sutter Health HCP: 50589; FRN: 17115481
- 14. Sutter Health HCP: 50589; FRN: 17116261
- 15. Sutter Health HCP: 50589; FRN: 17117231
- 16. Sutter Health HCP: 50589; FRN: 17117261

- 17. Sutter Health HCP: 50589; FRN: 17117301
- 18. Sutter Health HCP: 50589; FRN: 17117481
- 19. Sutter Health HCP: 50589; FRN: 17117601
- 20. Sutter Health HCP: 50589; FRN: 17117651
- 21. Sutter Health HCP: 50589; FRN: 17118581
- 22. Sutter Health HCP: 50589; FRN: 17119121
- 23. Sutter Health HCP: 50589; FRN: 17126401
- 24. Sutter Health HCP: 50589; FRN: 17174701
- 25. Sutter Health HCP: 50589; FRN: 17265641

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9

From: rhcadmin@usac.org

Sent: Tuesday, October 2, 2018 4:41 PM

To: rl@espyservices.com

Subject: RHC HCF Program - FCC Form 462 Substitution - Confirmation of Receipt - HCP# 45514

Attachments: network_cost_worksheet.xls; Form_462.pdf

Date: 02-Oct-2018
Program: HCF Program

Funding Year: 2017 Health Care Provider (HCP) Number: 45514

HCP Name: Presbyterian Healthcare Services

FCC Form 462 Application Number: 17173251

The Universal Service Administrative Company (USAC)'s Rural Health Care (RHC) Program received the electronically-submitted FCC Form 462 (Funding Request Form) revision associated with the substitution request for the applicant referenced above on 02-Oct-2018 at 04:02 PM.

Next Steps

This email is a confirmation that the form has been received and a review is in process. This email is not a confirmation that the form has been approved, or that funding has been committed. Once the form has been reviewed, you will receive an email on the status of the funding request and a PDF of the submitted form.

For More Information

Please do not reply directly to this email, as emails to this account will not be delivered to the RHC Program team. For questions or assistance, or if this email has been received in error, contact the Rural Health Care Program Help Desk at (800) 453-1546 between 8 AM and 5 PM Monday - Friday or by email at rhc-assist@usac.org.

For more information about the HCF Program application process, refer to the HCF Program Getting Started web page at http://www.usac.org/rhc/healthcare-connect/process-overview/default.aspx.

For more information about the FCC Form 462, visit the HCF Program Forms web page at http://www.usac.org/rhc/healthcare-connect/tools/forms.

OMB Approved 3060-0804 Estimated Time Per Response: 2 hours

Rural Health Care (RHC) Universal Service Healthcare Connect Fund Funding Request Form

Read instructions thoroughly before completing this form. Failure to comply may cause delayed or denied funding.

Block 1: General Information				
1 Funding Year 2017 2 Funding Request Number (· · · · · · · · · · · · · · · · · · ·	HCP Number: 45514		
4 Site Name/Consortium Name: Presbyterian Healthcare	Services			
Block 2: Competitive Bidding Information				
5 FCC Form 461 Application Number: 100020750				
` · ·	6 Allowable Contract Selection Date (ACSD): 04/11/2017 Service Provider Selection Date: 04/11/2017			
7 Number of vendors who bid: 1 Are you continuing service with your current service provider? • Yes O No				
8 Request for competitive bidding exemption (Only complet	e if claiming a competitive	bidding exemption).		
☐ Annual Undiscounted Cost of \$10,000 or less				
☐ Government Master Services Agreement	Contract ID:	Friendly Name:		
☐ Pre-Approved Master Services Agreement	Contract ID:	Friendly Name:		
☐ Evergreen Contract	Contract ID:	Friendly Name:		
☐ E-Rate Approved Contract	Contract ID:	Friendly Name:		
Block 3: Vendor Information				
9 Service provider identification number (SPIN): 143021460				
10 Vendor name: Level 3 Communications, LLC				
Block 4: Type of Funding Request				
11 Individual HCP, single eligible expense				
☐ Individual HCP, multiple eligible expenses				
Block 5: Single Eligible Expense Request for Funding				
Is this a newly installed circuit? O Yes O No	l.o. = =			
12 Category of Expense	13 Expense Type			
14 Bandwidth	14a Is this service symm			
Circuit ID (optional) If no, what is the upload bandwidth What is the download bandwidth				
16 Percentage of expense eligible				
17 Does the Service Type include both eligible and ineligible components? O Yes ONo				
If yes, percentage of usage eligible				
18 Billing Account Number (BAN)				
19 Contract ID	19a Date contract signed End			
19b Expected service start date	19c Length of initial contract term			
19d Number of contract extensions				
If this is a multi-year contract, would you like this contract		. ,		
20 Circuit start location				
Address Line 1				
Address Line 1				
City	State	Zip Code		
21 Circuit end location	Otato	Zip 3000		
Address Line 1				
Address Line 1 Address Line 2				
City	State	Zip Code		
		1 (1) () () () ()		

22	Is this a multi-year funding request? O Yes O No	Multi-year commitments cannot exceed 3 funding years and may not extend beyond the expiration date of an Evergreen Contract.			
23	Expense frequency	24 Quantity of expense periods			
25	Undiscounted cost per expense period				
26	Source of HCP contribution				
27	One-time installation charges				
28	8 This contract contains a Service Level Agreement. O Yes O No				
	If yes, provide the following information concerning the SLA in the contract: a. Latency: c. Packet Los	b. Jitter: s: d. Reliability:			
	USAC Internal Use Only				
	Funding Start Date	Funding End Date			
Ble	ock 6: Multiple Eligible Expenses and Consortium Re	quests for Funding (attach Network Cost Worksheet)			
29	Total undiscounted cost for eligible recurring expenses	\$796,506.27			
30	Total undiscounted cost for eligible non-recurring expens	ses \$0.00			
Blo	ock 7: Additional Documentation				
31		ntract, etc.) that is required to be submitted with this form.			
	Type of Documentation				
	<u> </u>	ent: Presbyterian Healthcare Services Bid Evaluation and Scoring Matrix Primary 2017.pdf			
	b. VIABLE_SOURCE Doci	ument: PHS Viable Source Letter signed fy18.pdf			
_	C.				
	ock 8: Request for Confidentiality				
32 Is applicant requesting confidential treatment and non-disclosure of commercial and financial information? (See instructions for specific information covered by this request.) O Yes O No					
Block 9: Certification					
33 X I certify under penalty of perjury that I am authorized to submit this request on behalf of the healthcare provider or consortium.					
34 X I declare under penalty of perjury that I have examined this request and attachments and to the best of my knowledge, information, and belief, all information contained in this request and in any attachments is true and correct.					
I certify under penalty of perjury that the healthcare provider or consortium has considered all bids received and selected the most cost-effective method of providing the requested services. The "most cost-effective service" is defined as the "method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the healthcare provider deems relevant to choosing a method of providing the required health care services." 47 C.F.R. § 54.642(c).					
36 X I certify under penalty of perjury that all Healthcare Connect Fund support will be used only for the eligible program purposes for which support is intended.					
37 X I certify that the healthcare provider or consortium is not requesting support for the same service from both the Telecommunications Program and the Healthcare Connect Fund.					
I certify that the healthcare provider or consortium satisfies all of the requirements under Section 254 of the Telecommunications Act of 1996, as amended, and applicable Commission rules, and understand that any letter from the Administrator that erroneously commits funds for the benefit of the applicant may be subject to rescission.					
39	39 X I certify that I have reviewed all applicable rules and requirements for the program and will comply with those rules and requirements.				
40	I understand that all documentation associated with this application, including all bids, contracts, scoring matrices, and other information associated with the competitive bidding process, and all billing records for services received, must be retained for a period of at least five years pursuant to 47 C.F.R. § 54.648, or as otherwise prescribed by the Commission's rules.				

41 Signature	42 Date 10/02/2018
43 Printed Name Rachel L. Lawmaster	44 Title/Position Support Services Specialist
45 Phone (812) 277-1499 Ext. 1024	46 Email rl@espyservices.com
47 Employer ESPY Services	48 Employer's FCC RN 0020725107

Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

Part 54 of the Federal Communications Commission's (FCC) rules authorize the FCC to collect the information requested in this form. Responses to the questions herein are required to obtain the benefits sought by this form. Failure to provide all requested information will delay processing or result in the form being returned without action. Information requested by this form will be available for public inspection. The information provided will be used to determine whether approving this request is in the public interest.

We have estimated that each response to this collection of information will take 2 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0804), Washington, DC 20554. We will also accept your comments via the Internet if your send them to pra@fcc.gov. Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS.

Remember — you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0804.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. § 3507

